

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

UNITED STATES OF AMERICA,

Plaintiff,

v.

CRISTIAN OREJUELA
a/k/a Christian Munoz

Defendant.

:
:
:
:
:
:
:
:
:
:

Criminal Action No. 07-38-JJF

PRELIMINARY ORDER OF FORFEITURE

THIS 3 day of June, 2008, IT IS HEREBY ORDERED that:

1. As a result of his conviction after a bench trial on Count 1 of the Indictment (the "Indictment"), for which the United States sought forfeiture pursuant to 18 U.S.C. § 924(d) and 28 U.S.C. § 2461(c), the defendant shall forfeit to the United States any firearm or ammunition involved in such offense.
2. The Court determines, based on the record established at trial, that the Para-Ordance .45 ACP caliber semi-automatic handgun, serial number TJ6633 (the "Firearm"), and five rounds of .45 caliber ACP ammunition (the "Ammunition") were involved in the offense of conviction and are forfeit to the United States.
3. Upon entry of this Order, the United States Attorney General (or a designee) is authorized to commence any applicable proceeding to comply with statutes governing third party rights, including giving notice of this Order.
4. The United States shall publish notice of the Order and its intent to dispose of the Firearm and Ammunition in such a manner as the United States Attorney General (or a designee) may direct. The United States may also, to the extent practicable, provide written notice to any

person known to have an alleged interest in the Firearm and/or Ammunition.

5. Any person, other than the above named defendant, asserting a legal interest in the Firearm and/or Ammunition may, within thirty days of the final publication of notice or receipt of notice, whichever is earlier, petition the Court for a hearing without a jury to adjudicate the validity of the alleged interest in the Firearm and/or Ammunition, and for an amendment of the order of forfeiture, pursuant to 21 U.S.C. § 853(n).


6. Pursuant to Fed. R. Crim. P. 32.2(b)(3), this Preliminary Order of Forfeiture shall become final as to the defendant at the time of sentencing and shall be made part of the sentence and included in the judgment. If no third party files a timely claim, this Order shall become the Final Order of Forfeiture, as provided by Fed. R. Crim. P. 32.2(c)(2).

7. Any petition filed by a third party asserting an interest in the Real Property shall be signed by the petitioner under penalty of perjury and shall set forth the nature and extent of the petitioner's right, title, or interest in the Firearm and/or Ammunition, the time and circumstances of the petitioner's acquisition of the right, title or interest in the Firearm and/or Ammunition, and any additional facts supporting the petitioner's claim and the relief sought.

8. After the disposition of any motion filed under Fed. R. Crim. P. 32.2(c)(1)(A) and before a hearing on the petition, discovery may be conducted in accordance with the Federal Rules of Civil Procedure upon a showing that such discovery is necessary or desirable to resolve factual issues.

9. The United States shall have clear title to the Firearm and/or Ammunition following the Court's disposition of all third-party interests, or, if none, following the expiration of the period provided in 21 U.S.C. § 853(n)(2) for the filing of third party petitions.

10. The Court shall retain jurisdiction to enforce this Order, and to amend it as necessary, pursuant to Fed. R. Crim. P. 32.2(e).


HONORABLE JOSEPH J. FARNAM, JR.
UNITED STATES DISTRICT JUDGE